

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Panchayats – Sri.S.Narasimhulu Reddy, Sarpanch, Kovuru Gram Panchayat & Mandal SPSR Nellore District – Appeal Petition filed against the proceedings of the District Collector (PW), SPSR Nellore District – Allowed – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II-A) DEPARTMENT

G.O.Rt.No. 794

Dated:27- 05-2011.

Read the following:-

- 1) From the District Panchayat Officer, SPSR Nellore District Roc.No. 1261/2008-1, dt. 29.12.2010.
- 2) From the Dist. Collector (PW), SPSR Nellore District, Proc.No.1261/2008 A1, Dated 05.01.2011.
- 3) Appeal Petition received from Sri. S.Narasimhulu Reddy, Sarpanch Kovvur Gram Panchayat & Mandal, SPSR Nellore District,dt.22.01.2011.
- 4) Govt. Memo.No.1808/Pts.IIA/2011-1, Dated 04.02.2011.
- 5) The Hon'ble High Court of A.P. W.P.No. 2746/2011, dt 9-02-2011.
- 6) Revision Petition received from Sri. S.Narasimhulu Reddy, Sarpanch Kovvur Gram Panchayat & Mandal, SPSR Nellore District,dt.07.03.2011.
- 7) Govt. Memo.No.1808/Pts.IIA/2011-2, Dated 25.03.2011.
- 8) From the Dist. Collector (PW), SPSR Nellore District, Proc.No.1261/2008 A1, Dated 04.03.2011.

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ORDER:

In the reference 1st read above, the District Panchayat Officer SPSR Nellore District has issued order restricting the cheque drawing power of Sarpanch of Kovur Gram Panchayat & Mandal, District SPSR Nellore.

2. In the reference 2nd read above, the District Collector (PW), SPSR Nellore District has issued order directing to Sri. S. Narasimhulu Reddy, Sarpanch Kovur Gram Panchayat & Mandal, SPSR Nellore District to remit an amount of Rs. 1,00,000/- within seven days other wise criminal procedure will be initiated.

3. Aggrieved by the said orders, in the reference 3rd read above, Sri.S.Narashimhulu Reddy, Sarpanch Kovuru Gram Panchayat & Mandal, SPSR Nellore District has filed an Appeal Petition before the Government with a request to grant stay against the proceedings of District Collector dt. 05.01.2011 issued vide reference 2nd read above.

4. In the reference 4th read above, Government while furnishing the copies of Appeal Petition to the District Collector (PW), SPSR Nellore District has called his report.

5. In the reference 5th read above the Petitioner has approached to the Hon'ble High Court and filed W.P. No. 2746/2011, dated 9-02-2011 and the Hon'ble High Court has directed to the Petitioner to use remedy of revision petition u/s 264 of APPR act 1994 and also directed to the Government, the Revision Petition shall be dispose alongwith the Appeal filed by the Petitioner against the order, dt 5-01-2011 of the District Collector, SPSR Nellore.

6. In the reference 6th read above the Petitioner has again filed an Revision Petition before Government and requested to restore cheque power.

7. In the reference 7th read above the revision petition was deferred due to want of a report from the District Collector SPSR Nellore.

8. In the reference 8th read above, the District Collector (PW) SPSR Nellore District has stated that out of 21 allegations against the Sarpanch, 19 have been

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proved and Rs. 1,00,000/- has been misappropriated by the Sarpanch. Hence a Show Cause notice was issued to the Sarpanch calling his explanation as to why restriction should not be imposed on the cheque drawing powers. After examination of the case restrictions on cheque power was issued dt 29-12-2010. Further it has directed to the Sarpanch to remit the misappropriated amount of Rs. 1,00,000/- to the Gram Panchayat account vide Ir dated 05-01-2011. The Petitioner was gone to Hon'ble High Court and got directions from the Court. Accordingly, the petitioner filed Revision Petitioner before the Government.

9. The case was heard on 04.05.2011 The District Panchayat Officer, SPSR Nellore District, the Sarpanch, Kovur Gram Panchayat and his council have attended the hearing. During the hearing, the District Panchayat Officer has explained in detail about the circumstances on the misappropriation of Rs. 1.00 lakh and restriction of cheque power to the Sarpanch. The Sarpanch has stated that he has followed the procedure in purchasing the dustbins and he has not misappropriated the said money. However, he has promised to recover the differential amount from the contractor. He was directed to collect the possible differential amount from the contractor and remit the same into the Gram Panchayat Accounts.

10. Further the Sarpanch, Kovuru Gram Panchayat & Mandal, District SPSR Nellore in his letter dated 16-05-2011 has reported that the differential amount has been collected from the Contractor and remitted the same into the Government Accounts.

11. The Government after hearing them and on perusal of material available, it is observed that even though the Sarpanch followed the procedure on purchasing the dustbins, the rate is on high side. However, the Sarpanch has taken steps to recover an amount of Rs. 50,000/- from the contractor.

12. The Government after careful examination of the case, and the material available in the records and taking a lenient view hereby decide the Appeal Petition filed by Sri. S.Narasimhulu Reddy, Sarpanch be allowed by waiving the balance amount as a special case by setting aside the orders of the District Collector (PW) SPSR Nellore dt. 29.12.2010 and 05.01.2011.

13. The District Collector (PW), SPSR Nellore District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector (PW), SPSR Nellore District.

Copy to:-

The Commissioner PR&RE., A.P. Hyderabad.

The District Panchayat Officer, SPSR Nellore, District.

Sri. S.Narasimhulu Reddy Sarpanch, Kovvuru Gram Panchayat & Mandal, SPSR Nellore District

The P.S. to Hon'ble M.(PR & RWS)

The P.S. to Prl.Secy., PR&RD Dept.

The Govt. Pleader for PR & RD, A.P. High Court, Hyderabad.

Sf / Sc.

//FORWARDED BY ORDER//

SECTION OFFICER